

**Summary of Amendments to Chapter 25 of the Iowa Court Rules on  
Expanded News Media Coverage  
Rules approved by the Iowa Supreme Court, April 2, 2014. Effective May 1, 2014.**

With the advent of new technology and newsgathering practices members of the news media use, the amendments to chapter 25 of the Iowa Court Rules will allow a more consistent use of expanded news media coverage statewide and continue to allow for judicial discretion in individual cases. The amendments further transparency of the legal process while not disrupting court proceedings or interfering with individual rights. The rules strictly prohibit expanded news media coverage without prior express authorization from the presiding judicial officer.

**New Terms and Definitions**

25.1(1) “*Expanded news media coverage*” includes broadcasting, recording, photographing, and live electronic reporting of judicial proceedings by the news media for gathering and disseminating news in any medium. Expanded news media coverage is limited to the news media unless the judicial officer orders otherwise.

25.1(5) “*News media*” includes any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news or information about matters of public interest in any medium, and who successfully applies to participate in expanded news media coverage and agrees to comply with all court rules.

“*Electronic devices*” is broadly defined to include, but not be limited to, laptop computers, cellular telephones, personal digital assistants, smart phones, and tablet computers. Electronic devices not used for recording audio, video, or still images may be used in the courtroom by members of the news media for live electronic reporting with advance approval from the judicial officer, provided the equipment does not make any disruptive noise or interfere with court equipment. Electronic devices may not be used by anyone in the courtroom for telephone calls. Electronic devices may not be used by anyone in the courtroom for photography, video recording, audio recording, or streaming video unless approved by the judicial officer in advance of the proceeding. The rule applies to news media only. Use of such electronic devices by others is prohibited.

“*Live electronic reporting*” covers tweeting, blogging, and future methods of real time electronic reporting by text. It does not include photography or video. **Members of the news media using electronic devices for live reporting also require prior expressed authorization from the judicial officer and must be located in an area the judicial officer designates.**

**News Media Identification in the Courtroom**

25.2(12) *Identification*. All news media personnel authorized to use electronic devices in the courtroom must wear identification, which is clearly visible to the judicial officer and members of the jury and which states the person’s name and media affiliation.

**Initial Appearances in Criminal Proceedings**

The amendments allow an expanded news media coverage request for an initial appearance to be made the day of the hearing either in writing or orally to the judicial officer presiding over the

initial appearance, subject to an oral objection by the prosecutor, defendant, or defendant's counsel. Authorization for expanded news media coverage of proceedings subsequent to the initial appearance must be requested separately.

#### 25.2(4) *Initial appearances in criminal proceedings.*

- a. Oral or written requests for expanded news media coverage of initial appearances in criminal proceedings must be made to the judicial officer presiding over the proceeding. Such expanded news media coverage, if authorized by the judicial officer, is subject to objection by the prosecutor, defendant, or defendant's attorney.
- b. The defendant shall be advised by the judicial officer of defendant's right to orally object to expanded news media coverage prior to the commencement of the proceeding, and any such objection will be heard and determined by the judicial officer prior to the commencement of the proceeding. The judicial officer may rule on the basis of the oral objection alone.
- c. A judicial officer's authorization of expanded news media coverage of an initial appearance applies only to the particular initial appearance. ***Authorization for expanded news media coverage of proceedings subsequent to the initial appearance must be requested separately.***

### New Forms

The new forms the supreme court adopted with the amended rules are compatible with the Iowa Judicial Branch Electronic Document Management System (EDMS or eFiling) and available on the Iowa Judicial Branch website in a fillable and savable format. The new forms are:

- Form 1 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the judicial officer of a request for expanded news media coverage of a district court proceeding. ***This form allows the news media coordinator to list the number of news media members in the courtroom using electronic devices and the type of electronic devices those members of the news media will be using.***
- Form 2 is the form for parties to use to object to expanded news media coverage of the proceeding.
- Form 3 is the form for witnesses to use to object to expanded news media coverage of the proceeding.
- Form 4 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the judicial officer of a request for expanded news media coverage of an appellate court proceeding. ***This form allows the news media coordinator to list the number of news media members in the courtroom using electronic devices and the type of electronic devices those members of the news media will be using.***

### Electronic Filing

To prepare for the statewide use of EDMS and provide consistency during its implementation, the new amendments allow notice to be filed electronically or by paper copy. This will allow the media coordinator to mail, hand deliver, email, fax, or, with EDMS, electronically file the notice with all parties, the judicial officer expected to preside at the proceedings, and the appropriate clerk of court and court administrator.

## **Filing Period**

With electronic filing, the amendments shorten the time for filing a request for expanded news media coverage from fourteen days to seven days for all proceedings except initial appearances in criminal cases. The time of notice for a party to object to expanded news media coverage remains unchanged at three days.

## **Number of People Allowed to Record Video and Audio and to Photograph**

Because of the number of different electronic devices the media uses today, the amended rules increase the number of members of the news media allowed in the courtroom to record video and audio and to photograph proceedings. The amended rules do not limit the number of any particular electronic device, but allow for not more than five total members of the news media using still cameras, television cameras, audio recorders, and electronic devices, or any combination of the four for photography or video and audio recording. This amendment will give members of the news media flexibility and the judicial officer the ability to control the courtroom by designating where the news media is located in the courtroom and which proceedings can be recorded and photographed.

- 25.4(3)(a) *Video recording, audio recording, and still photography.* Not more than five total members of the news media using still cameras, television cameras, audio recorders, and electronic devices, or any combination of the four, to photograph, video, or record audio are permitted in the courtroom during a judicial proceeding. Each still photographer may use two camera bodies each with a fixed lens or one camera body and two lenses. Where possible, all recording and broadcasting equipment that is not a component part of a camera or an electronic device and any operating personnel shall be located outside of the courtroom. Audio pickup for broadcast coverage must be accomplished from any existing audio system present in the courtroom, if such pickup would be technically suitable for broadcast.

## **Pooling**

Representatives of news media are responsible for contributing to electronic pool coverage of judicial proceedings when necessary. If a news organization is incapable of contributing to pool coverage, the news media coordinator may allow the news organization to share the pool coverage or may restrict the news organization's coverage.

## **Supreme Court and Court of Appeals**

A separate request for expanded news media coverage must be made for Iowa Supreme Court and Iowa Court of Appeals oral arguments.

## **Procedure for Requesting Expanded News Media Coverage**

Requests for permission to use cameras, recording equipment, or other electronic devices in court proceedings must be submitted to the media coordinator at least seven days in advance of the time the proceeding is scheduled to occur. Or, if the proceeding is not scheduled at least seven days in advance, the request must be made as soon as practicable. The request shall proceed as follows:

- Media representative submits request to media coordinator;
- Media coordinator files written notice with clerk of court and sends notice to all counsel of record, parties appearing without counsel, district court administrator, and presiding judge using Rule 25.10-Form 1: News Media Coordinator's Notice of Request for Expanded Media Coverage of Trial or Proceeding;
- A party to, or witness in, the proceeding may object using Rule 25.10—Form 2: Objection of Party to Expanded News Media Coverage of Trial or Proceeding or Rule 25.10—Form 3: Objection of Witness to Expanded News Media Coverage of Testimony;
- If there are objections, the judge shall rule on the written objections or hold a hearing.